

ZONING BOARD OF ADJUSTMENT STAFF REPORT

April 26, 2021

ZBA-18-21

GENERAL INFORMATION

Property Owner (X) Petitioner (X)

Abdulnaser Moqbel

Requested Action and Purpose

A variance from the nonconforming structure regulations to construct an addition

Location and Existing Zoning

1904 15th Avenue. Zoned ML. (Council District 2)

Size and Existing Land Use

Approximately 0.04 acres, Single-family dwelling

Surrounding Land Use and Zoning

North: Single-family dwelling, ML

East: Church, R-4

South: Single-family dwelling, ML

West: Vacant, ML

Applicable Regulations

Sec. 24-144 – Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

Sec. 24-145. – Nonconforming uses of structures or of structures and premises in combination.

If lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000.00) or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or moved except in changing the use of the structure to a use permitted in the district in which it is located, provided that nothing herein shall be construed to prevent the restoration of an historical or architectural landmark;

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SUMMARY

The petitioner is requesting a variance the nonconforming structure regulations to construct a bathroom on the existing single-family residence at this location. A stop work order was issued on this property for construction without a permit. ML zoning does not allow for single-family residential uses, which makes this a nonconforming structure and use. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or moved except in changing the use of the structure to a use permitted in the district in which it is located. In order to construct the bathroom addition, a variance to increase the structures nonconformity must be granted. The block the house is located on is primarily zoned ML and primarily single-family residences. The proposed addition meets the setbacks of the ML zoning district.

Office of Urban Development, Planning Division: No comment

Office of Urban Development, Building and Inspections Division: No comment

Infrastructure and Public Services, Engineering Division: No comment

Fire and Rescue Department, Fire Administration: No comment



ZONING BOARD OF ADJUSTMENT

PETITION APPLICATION

Last Updated, Feb 2021

Please complete all of the following required fields:

Location of Petitioned Property

Address: 1904 15th Ave, Tuscaloosa, AL 35401

Property Owner

Name: Abdalnaser Moqbel Phone: 205-373-7373 Email: RjMartinc@yahoo.com

Address: 6132 WoodLand Forrest DR, Tuscaloosa, AL ZIP Code: 35405

Petitioner (if different from owner)

Name: Phone: Email:

Address: ZIP Code:

The Petitioner requests the following item(s) from the Zoning Board of Adjustment:

A special exception is a conditional use which the zoning ordinance expressly permits under conditions specified in the zoning ordinance. A variance is a deviation from the regulations in the zoning ordinance which requires proof of an unnecessary hardship. An appeal is a formal challenge of the zoning officer's ruling.

- | | | |
|---|---|---|
| <input type="checkbox"/> Special Exception | <input type="checkbox"/> Use Variance | <input checked="" type="checkbox"/> Variance |
| Commercial \$ 200.00 per lot | Commercial \$ 200.00 per lot | Commercial \$ 200.00 per lot |
| Residential \$ 50.00 per lot | Residential \$ 50.00 per lot | Residential \$ 50.00 per lot |
| <input type="checkbox"/> Short-Term Rental \$ 400.00 per lot | <input type="checkbox"/> Appeal Zoning Officer's ruling \$ 10.00 per lot | |

Briefly describe the variance, special exception, and/or appeal being requested:

Variance to minimum building lines for R-4 Zoning. The lots and houses in this area have existed for over 90 years. The current R-4 Zoning makes these lots unusable and unable to create additions of extensive maintenance.

Certification of Applicant

I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception, variance, or appeal requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located. I recognize the City will send public notification and place a sign on the property with information for the public. This Petition will not be accepted until all required information is provided.

- For all requests for any variance from or special exception to a zoning requirement pertaining to a dimensional requirement or the site, a scaled site plan and/or building elevation produced by a registered land surveyor, professional engineer, or architect shall be required.
- Requests for an exception from fence requirements must depict proposed location and design of fence.
- Any request which will not be represented by the property owner at the public hearing must be accompanied by a designation of agent form.

Print Name: Abdalnaser Moqbel

Signature: 

Date: 3-15-2021

Please complete the applicable fields prior to application submission:

Answer the following for ALL requests:

Describe the reasons for the request and, if requesting a special exception, any extra related information. (e.g. number of parking spaces, hours of operation, etc.)

Answer the following for VARIANCE requests ONLY:

The petitioner must specifically state a hardship for the variance. Explain the ways in which the zoning regulation creates a hardship on the property. When a variance is at issue, the primary consideration is whether a literal enforcement of a zoning ordinance will result in unnecessary hardship. Explain any special circumstances or conditions that are peculiar to the land or buildings because of which a strict application of the ordinance would deprive the applicant of the reasonable use of such land or building.

Variance to minimum building lines for R-4 Zoning. The lots and houses in this area have existed for over 90 years. The current R-4 Zoning makes these lots unusable and unable to create additions or extensive maintenance for remodeling and up keep of property.

Explain how the variance request is in harmony with the general purpose and intent of the regulations imposed by this ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

This request allows the residence to exist as is which is relative in size and shape of the adjoining residences with the addition of an 8 foot by 6 1/2 foot bathroom on the rear of the residence.

The updating and remodeling of older homes is a benefit to the City and the Neighborhood.

**PLEASE SUBMIT AN ELECTRONIC COPY OF THIS
APPLICATION AND ANY NECESSARY SUPPORTING MATERIALS TO:**

Office of Urban Development:
Planning Division

2201 University Boulevard, Annex III
Tuscaloosa, AL 35401

Email: zba@tuscaloosa.com

[SUBMIT FORM](#)

FOR OFFICE USE ONLY:

ZBA Case Number: _____

Submission Date: _____

Zoning District: _____

Hearing Date: _____



PART OF LOT 1; BLOCK 567
TCIL
PLAT BOOK 1, PAGE 567
COUNTY, ALABAMA
ZONING VARIANCE
ZONE R-4

ADDRESS:
1904 15th AVENUE
TUSCALOOSA, ALABAMA 35401

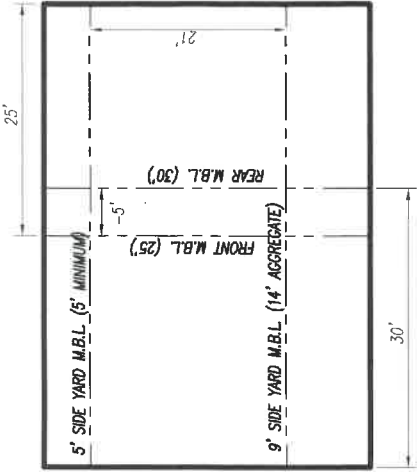
R-4 ZONING
FRONT YARD MINIMUM DEPTH 25 FEET
YEAR YARD MINIMUM DEPTH 30 FEET
REQUIRED SIDE YARD 14 FEET AGGREGATE
LEAST WIDTH OF EITHER YARD 5 FEET
(9 FEET REMAINDER)

hardship: UNDER R-4 ZONING
NONE OF THE PROPERTIES
FRONTING 15 TH AVENUE
WOULD BE ALLOWED TO HAVE
BUILDINGS AS THE SETBACKS
RENDER THE PROPERTIES
UNUSABLE.

THE STRUCTURES ON THESE
PARCELS HAVE EXISTED IN
EXCESS OF 90 YEARS.

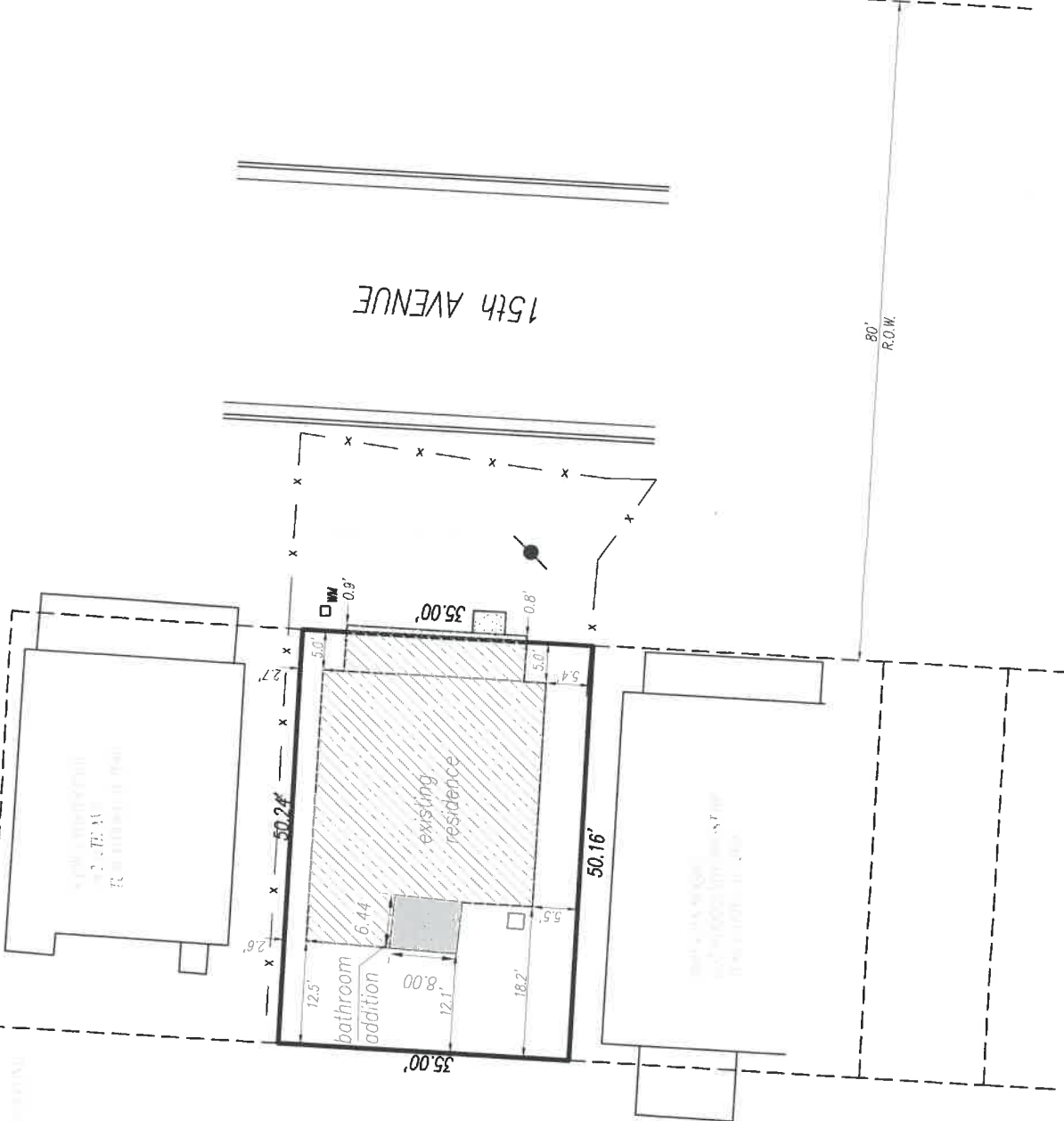
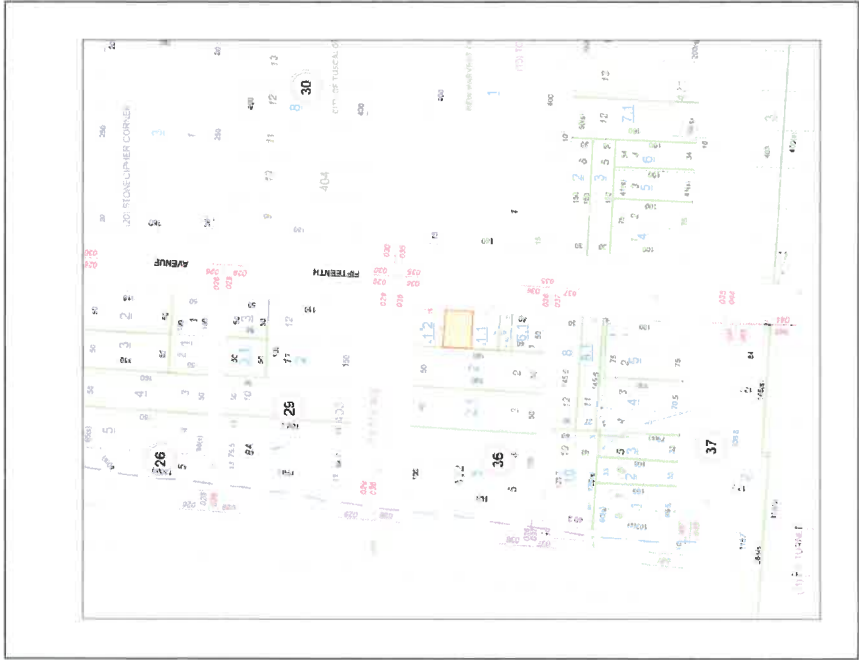
OWNER/DEVELOPER:
ABDULNASER MOQBEL
1904 15th AVENUE
TUSCALOOSA, AL 35401

0.04 ACRES OWNED
0.04 ACRES DEVELOPED
0.04 ADDITIONAL ACRES OWNED



19th STREET

15th AVENUE



State of Alabama
Tuscaloosa County

I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

Witness my hand this the 12th day of MARCH, 2021

Kevin Douglas Hinkle
Kevin Douglas Hinkle, P.L.S.
Alabama License No. 24024

LEGEND

- IRON FOUND
- 1/2" REBAR and CAP SET (CA-965-LS)
- CONCRETE MONUMENT FOUND
- △ CALCULATED - NOT MONUMENTED
- () DEED and/or PLAT CALL
- R.O.W. RIGHT-OF-WAY
- X- FENCE LINE
- M.B.L. MINIMUM BUILDING LINE
- P- UTILITY POLE
- W- POWER LINE
- _{WM} WATER METER
- _{PM} POWER METER
- [Pattern] R.O.W. ENCHROACHMENT (PORCH/STEPS)
- [Pattern] NEW ADDITION
- [Pattern] EXISTING RESIDENCE (PRE NEW ADDITION)

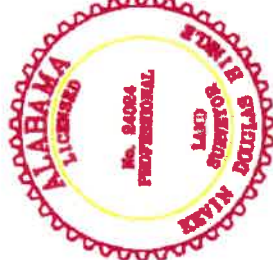
LINE NOT TO SCALE



SCALE: 1"=20 FEET
0 10 20 40

BASIS OF SURVEY - GRID NORTH - ALABAMA WEST ZONE.

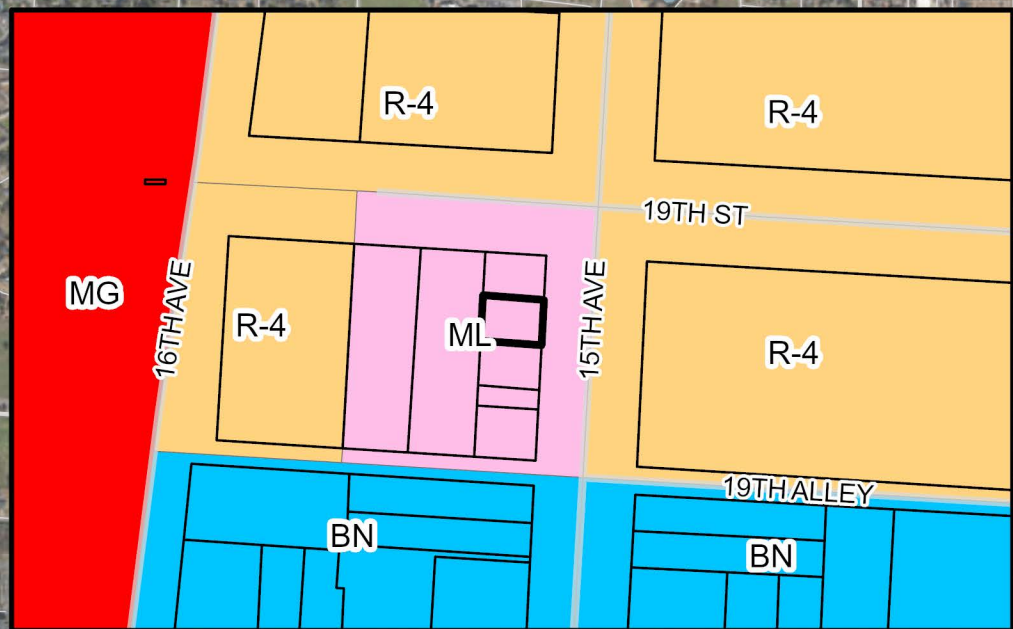
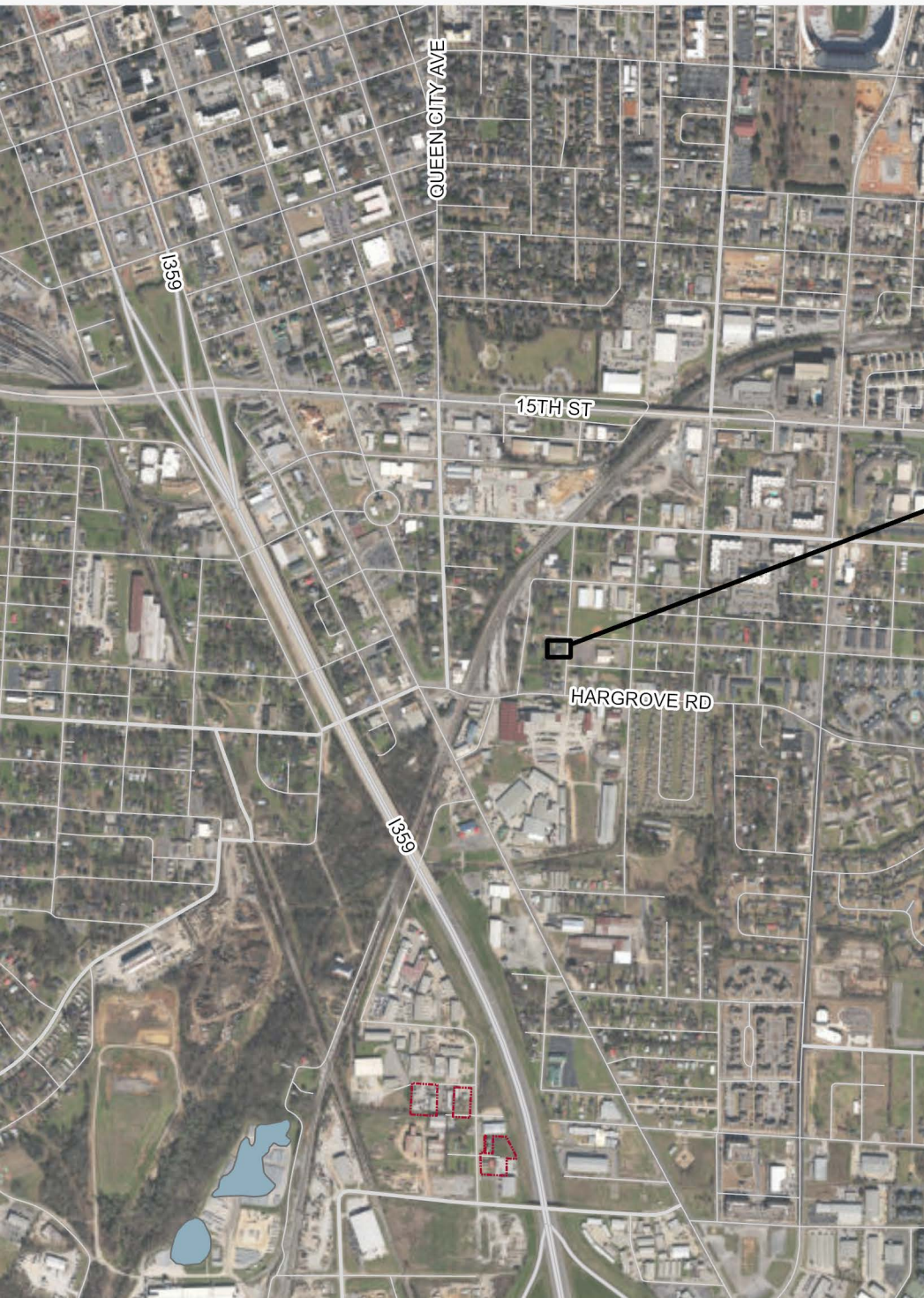
203 Hargrove Road East Tuscaloosa, Alabama 35401 205-454-6270 205-792-2482		Montgomery and Hinkle, inc. Professional Land Surveyors kevin@mhisurvey.com	Drawn By S.M.B. Scale 1" = 20'	Appd. By K.D.H. Source of Information DB 2013, PG 125052	Surveyed By T.H. Survey Type ZONING	Field Work 03/11/2021 Drawing No. 2103-028 Zoning.dwg	Date 03/12/2021 Job No. 2103-028
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ZBA-18-21: 1904 15th Avenue

1 inch = 33 feet
0 15 30 45 60

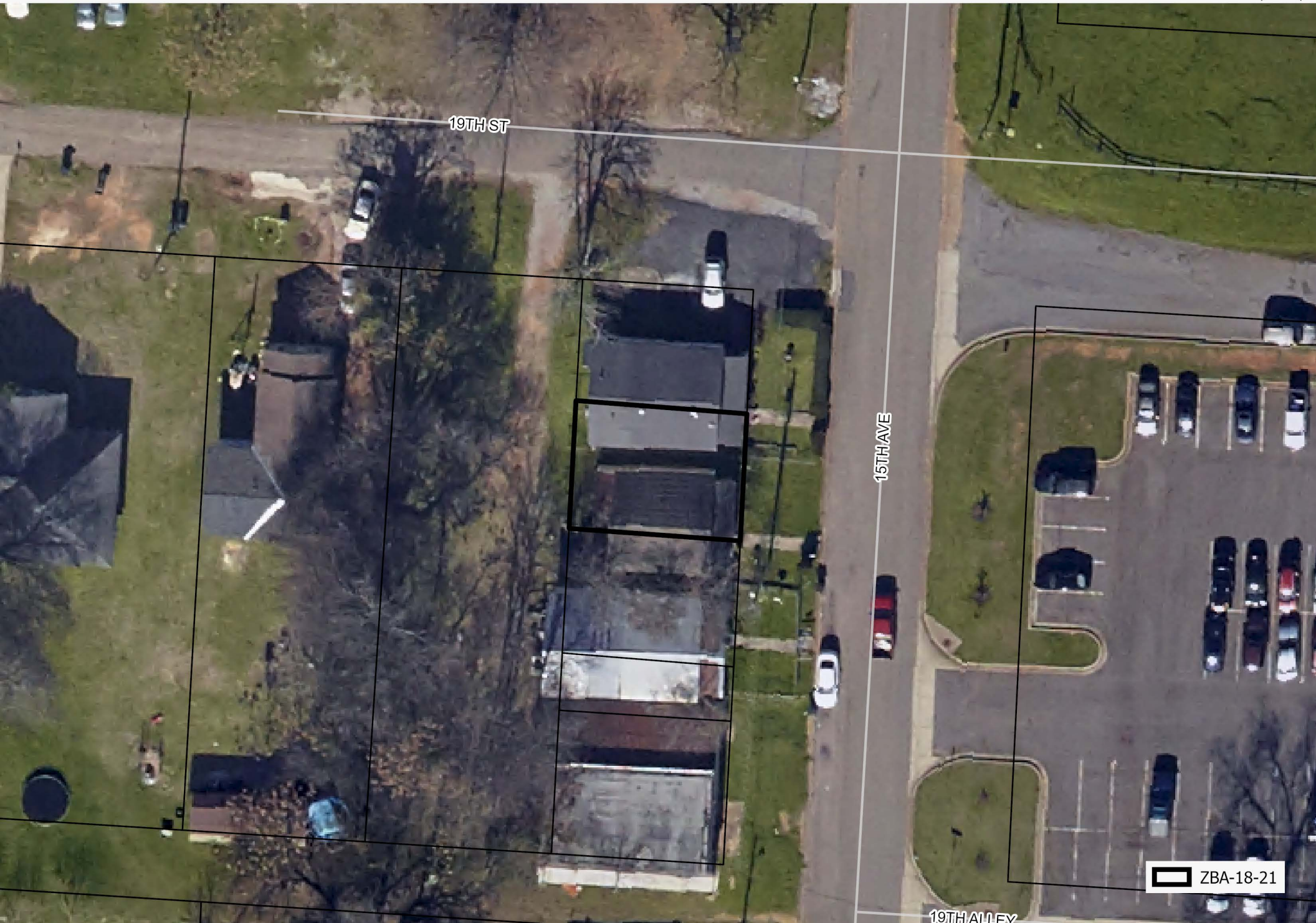





ZBA-18-21: 1904 15th Avenue

1 inch = 33 feet
0 15 30 45 60

N



 ZBA-18-21



1904







